

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-16-02
RESUBDIVISION OF LOT 44 COUNTRY VILLAGE #2
MAY 19, 2016

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of the Resubdivision of Lot 44 Country Village 2, a major subdivision that would create 2 lots. Situated approximately ¼ mile south of W. Reserve within the Country Village Unit #2 subdivision, the subject property is located at 640 Country Way.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on June 8, 2016 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of July 20, 2016. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on June 8, 2016 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 20, 2016 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Applicant

Brent Higgins
640 Country Way
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of the Resubdivision of Lot 44 Country Village #2, a 2 lot residential subdivision located at 640 Country Way. The proposed subdivision would create 1 additional single-family residential lot and both lots would be served by Evergreen Water and individual wastewater treatment systems. Primary access to the lots would be from Country Way, a paved County-maintained road.

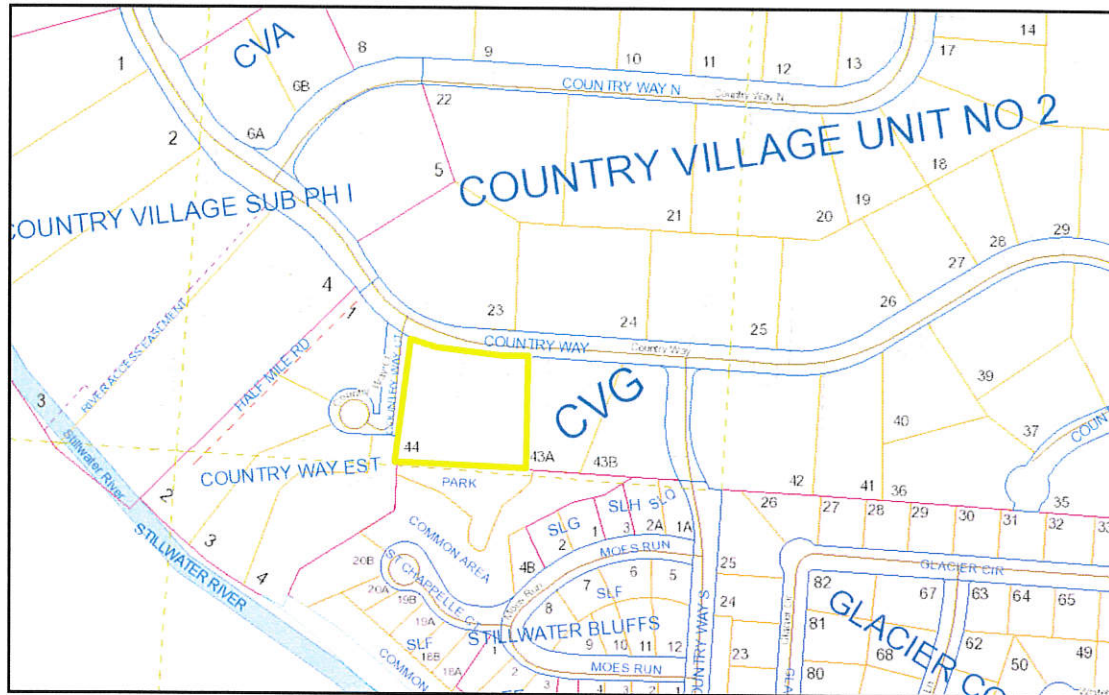
C. Legal Description of Subject Property

The property can be legally described as Lot 44 of Country Village Unit #2 located in Section 31 Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Situated approximately ¼ mile south of W. Reserve within the Country Village Unit #2 subdivision, the subject property is located at 640 Country Way (Figure 1). The lot is adjacent to the City of Kalispell.

Figure 1- Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

i. Total Subdivision Acreage:	2.03 acres
ii. Acreage in Lots:	2.03 acres
iii. Acreage in Roads:	0 acres
iv. Total Park/Common Area/Open Space Acreage	0 net acres
v. Minimum Lot Size	1.01 acres
vi. Maximum Lot Size	1.02 acres
vii. Overall Gross Lot Density:	1 unit per 1.01 acres

F. Administrative Characteristics

i. Current Land Use

The subject property is currently developed with a single family dwelling and detached garage. According to Montana Cadastral Property Record Card, the house and garage have been on the subject property since the 1980s. The rest of the property is undeveloped and contains common landscaping and lawn.

Figure 2 - Current land use and land cover (subject property shown blue)



ii. Proposed Land Use

The proposed subdivision would create two lots for single family residential use.

G. Area Characteristics

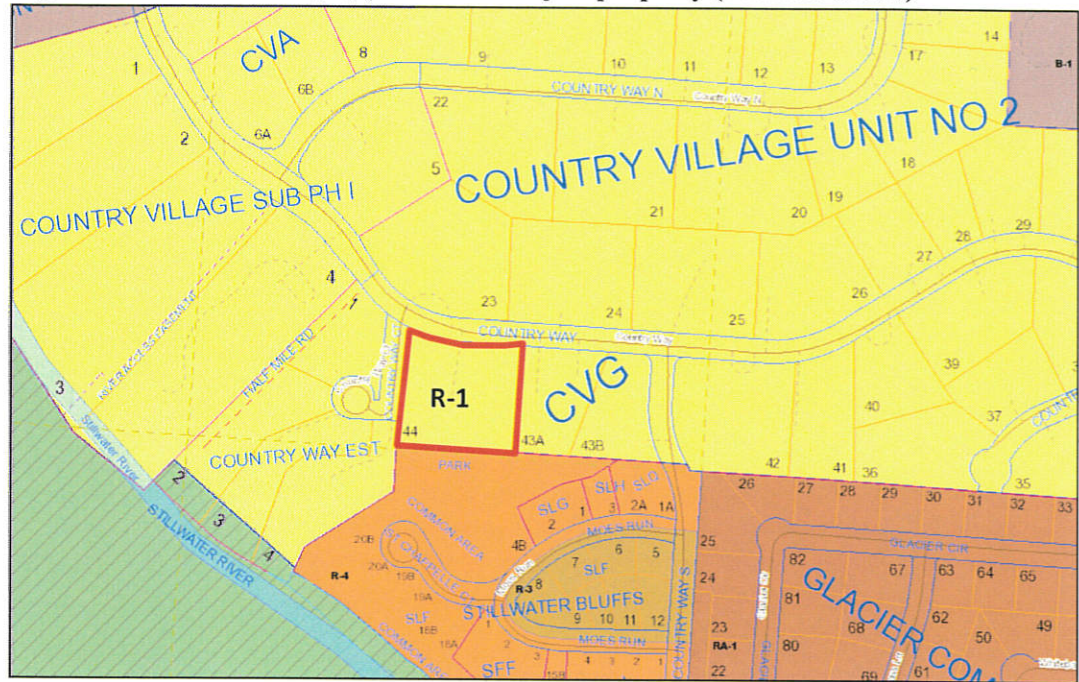
i. Description of Area Surrounding Proposed Subdivision

The properties in the vicinity of the subject property are typically single family dwellings on parcels .5-2 acres in size. Park land/common area for the Stillwater Bluffs Subdivision is located immediately south of the proposed subdivision. The Stillwater River is located approximately 530 feet away.

ii. Zoning

As mentioned above, the subject property is zoned 'R-1 Single Family Limited Residential' and located within the Evergreen Zoning District. 'R-1 Single Family Limited Residential' is defined as "*district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development.*" The proposal complies with the R-1 zoning as single family residential is a permitted use and the proposed lots would meet the minimum lot size of 1 acre. It also appears that the existing dwelling and detached garage would meet setback requirements of the 'R-1' zoning.

Figure 3: Current zoning applicable to subject property (outlined in red)

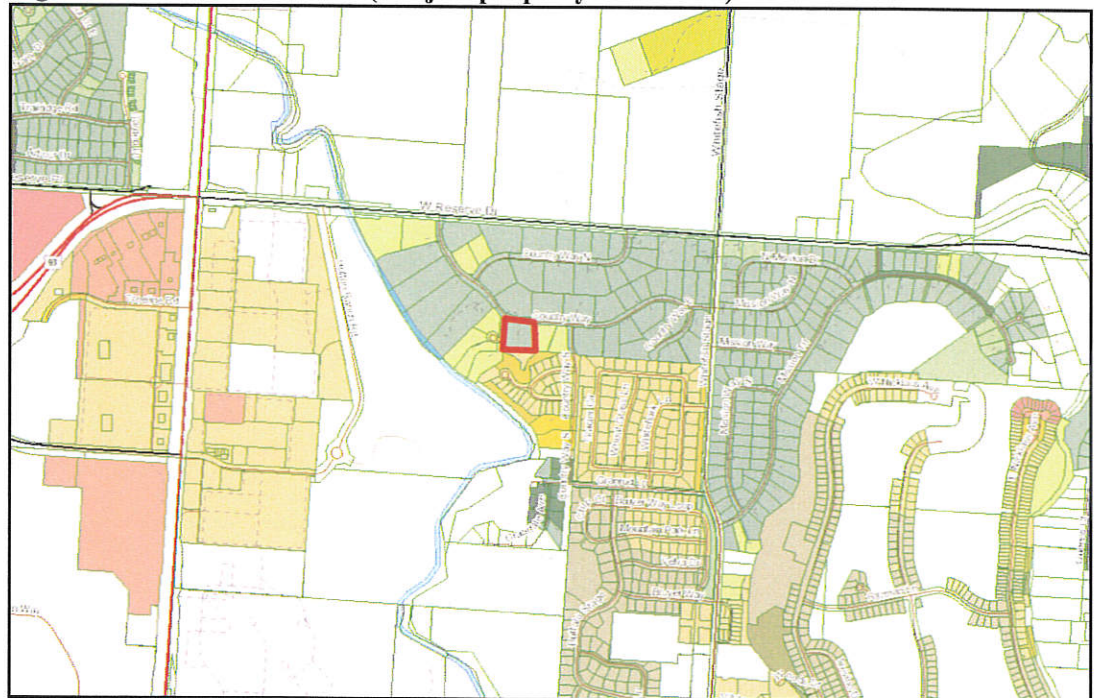


iii. Land Uses

The subject property is located with an area of Flathead County primarily characterized by urban/suburban residential development.

iv. Previously Considered Subdivisions in Area

Figure 4 - Area subdivisions (Subject property shown red)



As shown in Figure 4 above, the subject property is located within close proximity to a variety of residential subdivisions, including the Country Village Unit 2 subdivision for which the property is a part. Other major subdivisions in the area include Mission Village Phase 1-4, Country Way Estates, and Glacier Commons and Stillwater Bluffs in the City of Kalispell. In 2003, the property immediately east of the subject property was divided into 2 one acre lots.

H. Utilities and Services

- i. Water**
Evergreen Water
- ii. Wastewater**
Individual Wastewater Treatment systems
- iii. Solid Waste**
Contract Haul- Evergreen Disposal
- iv. School District(s)**
Kalispell School District, Flathead High School
- v. Fire District(s)**
Evergreen Fire District
- vi. Police**
Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on April 27, 2016. As of the date of completion of this staff report, the following comments have been received:

- Dave Prunty, Flathead County Road and Bridge Department
 - o Comment: "At this point the County Road Department does not have any comments on this request."
- Julie Weber, Bonneville Power Administration
 - o Comment: "In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time."
- Marc Pitman, DNRC
 - o Comment: "Water rights: The Evergreen CWSD has water rights that include the subject place of use. No Issue."
 - o Floodplain: The nearest mapped Zone A floodplain along the Stillwater River is about 200 feet away from the South East corner of Lot 44. No issue."
- Roberta Struck, Flathead County Water and Sewer District #1- Evergreen
 - o Comment: "We have no issues with the above referenced request. Since both lots will be adjacent to Country Way, they are both adjacent to our water main. Water is available upon compliance with all District requirements and payment of all fees pertaining to the water source."
- Wendee Jacobs, Flathead Environmental Health Services

- o Comment: “The proposed subdivision would require re-review of the Lots under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). This review entails review of proposed potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.”
- James Chilton, Flathead County Solid Waste District
 - o Comment: “The District requests that all new subdivision use private hauler to bring solid waste to the landfill. The outlying green box sites should not be used as the primary method of solid waste disposal. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area. After reviewing the project summary, I believe that solid waste management is being followed properly.”
- Jessy Coltrane and Kenneth Breidinger, Montana Fish, Wildlife and Parks
 - o Comment: “Montana Fish, Wildlife and Parks has no comment with regard to the above referenced subdivision.”

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2016, legal notice was published in the Daily Interlake on May 22, 2016, and notice of the proposal and public hearing was physically posted onsite on May 25, 2016.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal.

Any written public comment received after May 25, 2016 will be summarized verbally and entered into the public record during the Planning Board hearing on June 8, 2016. Anyone wishing to provide verbal public comment may do so in person at the June 8, 2016 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed.

i. Impact on Agriculture

The 2 acre subject property has not been used for agriculture in recent history as it is located within an urban/suburban area of Flathead County adjacent to the City of Kalispell. The surrounding area has been developed as a residential neighborhood since the 1970's when ½ - 2 acre lots were developed as part of the existing subdivision. The evaluation of the submitted Preliminary Plat and submitted Environmental Assessment has identified no adverse impacts to area agriculture or silviculture which would necessitate special mitigation.

Finding #1 – There would be no impact on agriculture as the subject property has not been used for agricultural production in the past few decades and the lot would not impact area agriculture as the surrounding property is characterized by urban/suburban residential land use.

ii. Impact on Agricultural Water User Facilities

The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The application indicates that both lots will utilize Evergreen Water and individual wastewater treatment systems. Roberta Struck with the Flathead County Water and Sewer District #1- Evergreen notes "Since both lots will be adjacent to Country Way, they are both adjacent to our water main. Water is available upon compliance with all District requirements and payment of all fees pertaining to the water source." The application includes a "Will Serve" letter dated March 17, 2016.

According to the water and wastewater MDEQ analysis prepared by Larsen Engineering, there appears to be no shallow groundwater less than 8 feet in depth and depth to bedrock is approximately 78 feet. Soils onsite include sandy silty loam and one additional wastewater treatment system would likely be able to be established on the new lot. Water and wastewater services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality. Minimal impacts to existing private or public water/wastewater services are anticipated to be introduced by the proposed subdivision.

Finding #3 - The water supply and wastewater management for the proposed subdivision appears to be acceptable with the imposition of conditions because both lots will connect to Evergreen Water and will use individual wastewater treatment systems, a "Will Serve" letter has been provided with the application, and both the water and wastewater system proposal will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

2. Schools

The proposal is within the boundaries of the Kalispell School District for K-8 and Flathead High School. It is anticipated that the 1 additional student which may potentially reside in the 2-lot subdivision may be served without introducing significant impacts to the school district. The Kalispell and Flathead School Districts were contacted for comment regarding this proposal, however no response has been received at the time this staff report was written.

3. Mail Delivery

The subdivision application notes that mail deliver will be accommodated with two individual mailboxes. The proposal for mail delivery appears reasonable and the location of the individual mailboxes serving the subdivision should require written approval from the local postmaster as a condition of final plat approval.

4. Recreation

The subject property is served by a variety of recreational facilities as the proposed subdivision is within 1 mile distance of 4 county parks including a park within the Mission Village Subdivision and along the Whitefish River. Because only one additional residential lot would be created as a result of the proposed subdivision, pursuant to Section 4.7.24(a)(iv) FCSR, parkland is not required.

Finding #4- Impacts on local services will be acceptable with the imposition of standard conditions because the proposed subdivision would have minimal impact on local schools, mail delivery appears to be appropriate and will require written approval, a variety of county parks are within 1 mile of the subdivision, and no recreational facilities are required for subdivisions creating one additional lot.

5. Roads

Primary access to the subdivision exists via Country Way, a paved local County road within a 60' right-of-way. Direct access to each lot will be by individual driveways. The location of both driveways appears to be compliant with regard to location and slope per the Flathead County Subdivision Regulations and appropriate site distance exists because the lots have very little topographic relief and the area is not significantly forested or have other visual obstructions. Because Country Way is a County roadway, taxes pay for the upkeep and maintenance of this roadway.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as the primary access would be from Country Way, a paved local road within an appropriate right-of-way, each lot would be accessed via individual driveways, and road maintenance of the County Road is provided by Flathead County.

6. Fire/Emergency Medical Services

The proposed subdivision is located within the Evergreen Fire District, with the main fire station providing Advanced and Basic Life Support services located on Highway 2 approximately 3 road miles from the subject property. A fire hydrant is located on northwest side the subject property and can be utilized in the event of a fire. It is not anticipated the proposed two lot subdivision would overburden the district as the site is within an acceptable distance to the fire station and all lots have level access to each home site. A letter from the Evergreen Fire Marshall indicates that all requirements have been met and fire services are available to serve the new lot. Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center (KRMCM).

7. Police Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given location of the subject property to the City of Kalispell, response time is anticipated to be consistent with or faster than other unincorporated areas of Flathead County.

8. Solid Waste Disposal

The applicant has indicated the use of contract haul as the planned method of solid waste disposal which is consistent with the Flathead County Solid Waste District's request that all new subdivisions in Flathead County use a contract hauler to bring

solid waste to the landfill. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in this area. Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

9. Other Utilities

Existing electric, gas and telephone utilities are located within Country Way. While utilities for both lots are currently installed, any new utilities installed in the future shall be extended underground in compliance with Section 4.7.23 FCSR.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Evergreen Fire District and Flathead County Sheriff's Department in the event of an emergency, and utilities are already existing underground in conformance with the applicable regulations.

iv. Impact on the Natural Environment

1. Water Quality

There is no surface water or indication of shallow ground water present on the subject property. The closest water body is the Stillwater River which is located approximately 530 feet from the subject property. Floodplain associated with the waterway does not encroach upon the subdivision lots.

Wastewater from both proposed lots will be managed by the one new and one existing septic system. According to site analysis, there is a phosphorus breakthrough time of 133 years and 1.55 mg/L nitrate concentration per mixing zone. The application includes a draft Stormwater Management Plan indicating stormwater runoff would be managed on-site through absorption and evaporation via landscaped areas and will not include designated swales or retention ponds. Because the one additional lot will contain slopes less than 1%, less than 15% of the lot will be covered by impervious cover, no water bodies exist on site, and insignificant runoff is expected from the new dwelling, a DEQ8 compliant stormwater drainage plan was not developed. The proposed water supply, wastewater systems, and stormwater drainage for both lots would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would use an existing and proposed septic system, there is no surface water or shallow ground water present on the subject property, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

2. Air Quality

Lasting impacts to air quality are not anticipated as a result of the subdivision because the lots will be accessed by a paved road and individual driveways and only one additional dwelling is expected to be constructed. However, the applicant has

submitted a Dust Abatement Plan compliant with Section 4.7.14 FCSR requiring watering during construction activities and revegetation once the dwelling is constructed on Lot 44B. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities, if any.

3. Impact of Noise

It is estimated that the development of the subdivision would generate minimal noise during construction of a residential structure on Lot 44B. The proposed residential use on the lots is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be acceptable with the imposition of standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust when a dwelling is constructed on Lot 44B and impacts of noise are not expected to be out of the ordinary for a residential neighborhood except potential construction related noise.

4. Impact to Flora

The subject property is located within a developed part of Flathead County and vegetation in the area consists of groomed landscaping and lawn. There are no wetlands, forests, or riparian vegetation on the lot. The closest water body is Stillwater River which is located approximately 530 feet away and all riparian and wetland vegetation exists off-site. No impacts to critical riparian or wetland flora will be impacted with the addition of a new lot or residence.

Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan approved by the Flathead County Weed Board prior to final plat approval. A weed management plan was provided with the preliminary plat application indicating herbicide application and hand pulling of weeds, including knapweed, will be done to ensure weeds do not propagate onsite.

5. Impact to Floodplain

According to FEMA FIRM Panel 30029C1805J, the subject property is designated as unshaded Zone X with no Special Flood Hazard Area. Impact to floodplain is anticipated to be minimal because the property is located in outside of the 1% annual chance flood area (Zone A 100-year floodplain).

6. Impact to Riparian/Wetland Areas

No riparian or wetland areas occur on the subject property, however the Stillwater River exists approximately 530 feet to the west of the property. No impacts to the wetlands/riparian areas are expected as the existing riparian and wetland areas are some distance from the lots and the proposed residence will be located on the lot furthest from the river, and is expected not to significantly impact riparian vegetation or bank topography.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #9- No new impacts to the natural environment are anticipated as the subject property contains no forested, floodplain, or riparian areas on site, the lots contains only groomed landscaping and lawn, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

v. Impact on Wildlife

Given the proximity of the lot to suburban and urban development, impacts to wildlife are expected to be minimal. According to a search of the Montana Natural Heritage Program, 8 Species of Concern exist within the boundaries of Township 29N, Range 21W. These include the Hoary Bat, Little Brown Myotis, Great Blue Heron, Westslope Cutthroat Trout, Pygmy Whitefish, Bull Trout, Hooked Snowfly, and Alberta Snowfly. Because there are no water bodies on the subject property, no impacts to fish Species of Concern are expected. Additionally, the habitat preference for the Hoary Bat and Great Blue Heron is riparian forest and both stonefly species prefer alpine/mountainous streams which do not exist on the lot.

vi. Impact on Wildlife Habitat

As previously described, the subject property is almost entirely developed and located with a suburban/urban neighborhood. The lot is currently developed with groomed landscaping and lawn. Montana Fish, Wildlife and Parks has mapped this area as Level 1 crucial area habitat on the Crucial Area Planning System, however it appears that this ranking is associated with the proximity to the Stillwater River and does not take into consideration the existing development and density. Because the majority of the Species of Concern within the area have habitats not found on the subject property it is anticipated that impact on wildlife habitat will be minimal.

Finding #10- Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the area contains only 8 Species of Concern, all but one species has a habitat not found on the subject property, and only one single family dwelling is anticipated as a result of the subdivision which is not expected to influence the riparian area along Stillwater River or other key wildlife habitat.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams, wetlands or lakes on site, and according to FEMA FIRM Panel 30029C1805J, the subject property is designated as unshaded Zone X with no Special Flood Hazard Area. While the subject property is located within proximity to the Stillwater River, the Base Flood Elevation is approximately 50 feet below the average elevation of the lot. Impact to floodplain is anticipated to be minimal because the property is located in outside of the 1% annual chance flood area (Zone A 100-year floodplain).

Finding #11- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters on site, and according to FEMA FIRM Panel 30029C1805J, the subject property is located outside of the 1% annual chance flood area.

2. Water and Wastewater Treatment

As mentioned above, the proposed lots will be served by Evergreen Water and individual septic systems. A 6' water main line is located along Country Way and

serves the existing lot. The application includes a “Will Serve” letter dated March 17, 2016 indicating that the proposed lot can be served by the Evergreen Water and Sewer District. Because the only additional development expected on the subject property is a dwelling on Lot 44B, impact on public health and safety with regard to water and wastewater treatment is expected to be minimal because one additional dwelling will not exceed capacity of the Evergreen Water system and a septic permit would be required before installation of a new system. The proposed water supply, sanitation, and stormwater drainage for both lots would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

3. Stormwater

The submitted application includes a conceptual plan for the management of stormwater. Because proposed Lot 44A is fully developed and only one single family dwelling is anticipated for the proposed additional lot, all stormwater is to be managed by on-site absorption via vegetated areas. Because the lot has less than 1% topographic relief and less than 15% of the subject property is expected to be developed, direct discharge onto roads or adjoining properties is expected to be managed on-site. The proposed stormwater management plan would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

Finding #12- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with the imposition of conditions because lots will utilize Evergreen Water and individual wastewater treatment systems, Flathead County Water and Sewer District #1- Evergreen has indicated that it has the capacity and will serve the proposed subdivision lots, and the wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

4. Traffic Safety

Primary access to the proposed subdivision would be from Country Way which is a paved local subdivision road 24' in width within a 60 right-of-way. Lot 44A will continue to utilize the existing level, paved driveway and Lot 44B will also utilize an individual driveway. Because of the slow traffic speeds, cleared view sheds, and connected road system within the Country Village Unit #2 subdivision, it appears that there is sufficient and safe access for vehicles traveling to the proposed new lots. The roadway is currently maintained by Flathead County and comment from the Flathead County Road and Bridge Department indicates no issues with the proposal.

Finding #13- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Country Way, a paved, County road; lots are accessed via individual driveways; and sufficient roadways exist for emergency vehicles and general traffic to access the subject property and turn around.

5. High Voltage Electric Lines/High Pressure Gas Lines

There appear to be no high voltage electric lines or high pressure gas lines traversing the subject property or in the immediate vicinity of the proposed subdivision.

6. Fire and Emergency Services

The proposed subdivision is located within the Evergreen Fire District, with the main fire station providing Advanced and Basic Life Support services located along Highway 2 approximately 3 miles from the subject property. A fire hydrant is located on northwest side the subject property and can be utilized in the event of a fire. It is not anticipated the proposed two-lot subdivision would overburden the district as the site is within an acceptable distance to the fire station and all Lots have level access to each home site. A letter from the Evergreen Fire Marshall indicates that all requirements have been met and fire services are available to serve the new lot. Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center (KRMC).

7. Geologic Hazards

The subject property is located in a relatively flat area with topographic relief of less than 1%. While not illustrated on the Preliminary Plat, the Stillwater River and adjacent riparian area contain slopes that appear to completely contain water and 100 year flood waters as indicated on FEMA FIRM Panel 30029C1805J. Because the Stillwater River is approximately 530 feet away, slope instability, if any, would not impact the proposed subdivision at this time. According to the Environmental Assessment submitted with the application materials, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards is present on the subject property.

8. Avalanche Hazards

The subdivision is not located in an area of the county considered to be prone to avalanche hazards.

9. Airport Influence Areas

The subject property is not within an airport influence area.

10. Soils

According to NRCS soils data, soils onsite are generally comprised of Kalispell loam 0 to 3 percent slopes (Ke), Kalispell loam with 3 to 7 percent slopes (Kg) and Prospect loam with 12 to 20 percent slopes (Pd). Although the soils data state soils up to 20 percent slopes exist on site, topographic data taken of the subject property indicate that the lot has slopes no greater than 1 percent. The NRCS soil data and Environmental analysis indicate that these soils will not pose limitations for development due to slope or groundwater issues as all are well draining soils with no potential for ponding. It is therefore anticipated soils on site would not pose a risk for health and safety for typical residential uses as other area properties and roads similarly situated appear to be developed with adequate stability.

Finding #14- Minimal risks to public health and safety are anticipated with the imposition of conditions because there are no high voltage electric or high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology,

avalanche, or airport influence areas, and soils on the subject property appear to be appropriate to support the proposed dwelling and wastewater treatment system.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #16- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

February 17, 2016

ii. Application Deadline Date (6 months from pre-application)

August 17, 2016

iii. Application Submittal Date

April 4, 2016

iv. Completeness Date

April 7, 2016

v. Sufficiency Date

April 26, 2016

vi. Agency Referral Requests Mailing Date

May 5, 2016

vii. Adjacent Property Notification Mailing Date

May 20, 2016

viii. Legal Notice Publication Date

May 22, 2016

ix. On-site Posting of Public Hearing Date

May 25, 2016

Finding #17- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding #18- The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #19- Country Way will provide legal and physical access to the subdivision and legal and physical access to the individual lots will be accessed via individual driveways.

G. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “*A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.*” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

i. Neighborhood Plan

The proposed Resubdivision of Lot 44 Country Village #2 is not located within a neighborhood plan area.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. The location is in an area of the county that is designated as ‘Residential’ on the Flathead County Designated Land Use Map. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy, and the proposal is made in compliance with related applicable provisions of the ‘R-1’ zoning as outlined in the Flathead County Zoning Regulations which are an implementation of the goals and policies of the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

Located within the Evergreen Zoning District, the subject property is zoned R-1 Suburban Residential.’ In terms of density, anticipated use, and applicable bulk and dimensional requirements, the proposed subdivision and its lots would comply with the applicable R-1 zoning designation.

Finding #20 – The proposed subdivision is located in an area of Flathead County zoned ‘R-1 Suburban Residential’ and the preliminary plat generally complies with local zoning because the subdivision is intended for single family residential use and the lots meet the dimensional requirements of the R-1 zoning district.

V. SUMMARY OF FINDINGS

Finding #1 – There would be no impact on agriculture as the subject property has not been used for agricultural production in the past few decades and the lot would not impact area agriculture as the surrounding property is characterized by urban/suburban residential land use.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

Finding #3 - The water supply and wastewater management for the proposed subdivision appears to be acceptable with the imposition of conditions because both lots will connect to Evergreen Water and will use individual wastewater treatment systems, a “Will Serve” letter has been provided with the application, and both the water and wastewater system proposal will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

Finding #4- Impacts on local services will be acceptable with the imposition of standard conditions because the proposed subdivision would have minimal impact on local schools, mail delivery appears to be appropriate and will require written approval, a variety of county parks are within 1 mile of the subdivision, and no recreational facilities are required for subdivisions creating one additional lot.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as the primary access would be from Country Way, a paved local road within an appropriate right-of-way, each lot would be accessed via individual driveways, and road maintenance of the County Road is provided by Flathead County.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Evergreen Fire District and Flathead County Sheriff’s Department in the event of an emergency, and utilities are already existing underground in conformance with the applicable regulations.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would use an existing and proposed septic system, there is no surface water or shallow ground water present on the subject property, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be acceptable with the imposition of standard conditions as all roads accessing the subdivision are already paved, a Dust Abatement Plan was provided to mitigate potential issues of dust when a dwelling is constructed on Lot 44B and impacts of noise are not expected to be out of the ordinary for a residential neighborhood except potential construction related noise.

Finding #9- No new impacts to the natural environment are anticipated as the subject property contains no forested, floodplain, or riparian areas on site, the lots contains only groomed landscaping and lawn, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

Finding #10- Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the area contains only 8 Species of Concern, all but one species has a habitat

not found on the subject property, and only one single family dwelling is anticipated as a result of the subdivision which is not expected to influence the riparian area along Stillwater River or other key wildlife habitat.

Finding #11- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters on site, and according to FEMA FIRM Panel 30029C1805J, the subject property is located outside of the 1% annual chance flood area.

Finding #12- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with the imposition of conditions because lots will utilize Evergreen Water and individual wastewater treatment systems, Flathead County Water and Sewer District #1- Evergreen has indicated that it has the capacity and will serve the proposed subdivision lots, and the wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #13- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Country Way, a paved, County road; lots are accessed via individual driveways; and sufficient roadways exist for emergency vehicles and general traffic to access the subject property and turn around.

Finding #14- Minimal risks to public health and safety are anticipated with the imposition of conditions because there are no high voltage electric or high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate to support the proposed dwelling and wastewater treatment system.

Finding #15- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #16- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

Finding #17- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #18- The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

Finding #19- Country Way will provide legal and physical access to the subdivision and legal and physical access to the individual lots will be accessed via individual driveways.

Finding #20 – The proposed subdivision is located in an area of Flathead County zoned ‘R-1 Suburban Residential’ and the preliminary plat generally complies with local zoning because the subdivision is intended for single family residential use and the lots meet the dimensional requirements of the R-1 zoning district.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Evergreen Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR]
5. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
6. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]

7. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
8. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
9. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
10. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
12. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

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